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HEW/saj
November 4, 2004

PATENT APPLICATION
Docket No.: (MEI-014CP) 1855.2067-018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
JUN 17 2004 5:26

Applicants: Sean A. McCarthy
Application No.: 08/842,898 Group: 1647
Filed: April 17, 1997 Examiner: D.S. Romeo
For: NOVEL CRSP-1 COMPOSITIONS AND THERAPEUTIC AND
DIAGNOSTIC USES THEREFOR

CERTIFICATE OF MAILING OR TRANSMISSION	
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11-5-04 Date	<i>Sandra Jarnal</i> Signature
Sandra Jarnal Typed or printed name of person signing certificate	

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On June 17, 2004, a "Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c)," with a check in the amount of \$1265.00 for the total fee deficiency, was filed in the U.S. Patent and Trademark Office. A copy of the date stamped postcard receipt for these documents, indicating a date of receipt of June 17, 2004, is enclosed. The fee deficiency payment was itemized in the table at page 2 of the "Small Entity Status Change and Fee

Deficiency Submission Under 37 C.F.R. 1.28(c),” and the amount of the deficiency (\$ 1265.00) was paid in full by check. A copy of the canceled check is enclosed.

Applicant's Attorney is in receipt of a Monthly Statement of Deposit Account, dated June 30, 2004, indicating that the Patent Office has charged the following additional fees in connection with the subject application to Deposit Account No. 08-0380 (U.S. Application No. 08/842,898; Date Posted 6/22/04):

- a) \$ 243.00 (Fee Code 1202, filing of claims in excess of twenty);
- b) \$ 602.00 (Fee Code 1201, filing of independent claims in excess of three); and
- c) \$ 130.00 (Fee Code 1051, filing of Surcharge)

The above amounts charged by the Patent Office appear to have been charged in error.

Fee for Filing of Independent Claims in Excess of Three - 1.16(b)

As can be seen from the table at page 2 of the “Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c),” the current fee amount for filing independent claims in excess of three under 1.16(b) as a large entity is \$602. However, in view of the prior payment of \$280.00 for filing of independent claims in excess of three, the fee deficiency due was \$322.00. This deficiency was included in the check for \$1265.00, which was cashed by the Patent Office. However, the Patent Office has now charged the full amount of the fee for filing independent claims in excess of three a second time. This \$602.00 should be reimbursed in full.

Surcharge - 1.16(e)

As can be seen from the table at page 2 of the “Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c),” in view of the prior payment of \$65 for the Surcharge under 1.16(e), the fee deficiency due for the Surcharge was \$65.00. This deficiency was included in the check for \$1265.00, which was cashed by the Patent Office. However, the Patent Office has now charged the full amount of the Surcharge a second time. This \$130 should be reimbursed in full.

Fee for Filing of Claims in Excess of Twenty - 1.16(c)

The additional amount charged for filing of claims in excess of twenty (\$ 243.00) is not understood, and is believed to be in error as well in light of the itemization in the table at page 2 of the "Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c)," filed on June 17, 2004. Therefore, the additional amount charged for filing of claims in excess of twenty (\$ 243.00) should also be refunded.

In view of the foregoing, Applicant's Attorney respectfully requests that the Patent Office credit Deposit Account No. 08-0380 in the amount of \$975.00. If the Patent Office disagrees with the determination of the amount of the fee deficiency as itemized in the table at page 2 of the "Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c)," filed on June 17, 2004, an explanation of any such error with reference to the table is respectfully requested.

A redacted copy of the Monthly Statement Deposit Account dated June 30, 2004 is enclosed. In addition, a copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler

Helen E. Wendler

Registration No.: 37,964

Telephone: (978) 341-0036

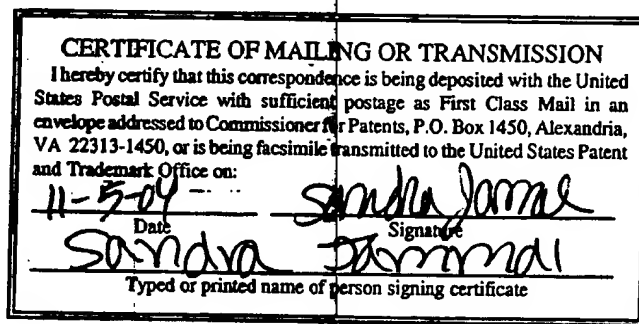
Facsimile: (978) 341-0136

530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

Dated: Nov. 5, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sean A. McCarthy
Application No.: 08/842,898 Group: 1647
Filed: April 17, 1997 Examiner: D.S. Romeo
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08/842,898

-3-

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Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler

Helen E. Wendler

Registration No.: 37,964

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: Nov 5, 2004

Initials: HEW/saj Docket No.: MEI-014CP (1855.2067-018) Date: 6/14/04

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

- ☒ Small Entity Status Change and Fee Deficiency Submission Under 37 C.F.R. 1.28(c)
w/copy
☒ Check for \$ 1265.00
☐ Other _____



Applicant: Sean A. McCarthy
Application No.: 08/842,898 (ABANDONED) Filed: April 17, 1997
Title: Novel CRSP-1 Compositions and Therapeutic and Diagnostic Uses Therefor

Date received by the PTO:

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BACHVIA NA SW071 56321
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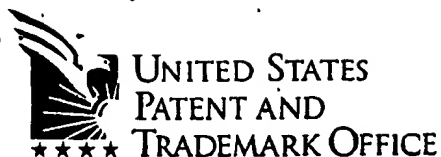
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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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HAMILTON BROOK SMITH & REYNOLDS
LAURIE COHEN
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

FINA

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www.uspto.gov

Account No.	080380
Date	6-30-04
Page	2

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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6	22	04	211	08842898	1855, 2067-015	MAA-004.02	1202	243.00	35026.00
6	22	04	213	08842898		MAA-004.02	1201	602.00	34424.00
6	22	04	214	08842898		MAA-004.02	1051	130.00	34294.00

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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The subject application was transferred to this firm on January 19, 2004. Pursuant to a review of the file of this and related cases conducted on May 22, 2004, the undersigned requested the Assignee of record to review small entity status of the subject application, and the error was discovered.

An itemization of the deficiency payment, including a breakdown of the total amount paid and an indication of each deficiency, based on current fees, is shown in the listing provided below.

		Column A	Column B	
Filing date of original paper/fee	Type of fee paid	Current fee amount as a large entity	Amount originally paid	Deficiency (based on current fee amount) ¹
10/27/97	Basic filing fee - Utility - 1.16(a)	\$ 770	\$ 385	(a) \$ 405
10/27/97	Independent claims in excess of three - 1.16(b)	\$ 602	\$ 280	(b) \$ 322
10/27/97	Claims in excess of twenty - 1.16(c)	\$ 756	\$ 451	(c) \$ 473
10/27/97	Surcharge - Late filing fee/ declaration - 1.16(e)	\$ 130	\$ 65	(d) \$ 65
TOTAL DEFICIENCY				\$ 1265

¹ The fee deficiency is ordinarily equal to (1) the difference between the fee in Column A minus the fee in Column B, or (2) in the case of a fee decrease, the amount previously due for a small entity.

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 08842898

Total Records Found: 16

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
11/12/1997	00000139	1	581	\$40.00	10/27/1997	DA 061448
11/20/1997	00000119	1	201	\$395.00	10/27/1997	DA 061448
11/20/1997	00000120	1	202	\$287.00	10/27/1997	DA 061448
11/20/1997	00000121	1	203	\$451.00	10/27/1997	DA 061448
11/20/1997	00000122	1	205	\$65.00	10/27/1997	DA 061448
06/18/1998	00000247	1	581	\$40.00	06/08/1998	CK
03/03/2004	00000116	1	1460	\$130.00	02/27/2004	CK
06/22/2004	00000206	1	2001	-\$395.00	10/27/1997	DA 061448
06/22/2004	00000207	1	2201	-\$287.00	10/27/1997	DA 061448
06/22/2004	00000208	1	2202	-\$451.00	10/27/1997	DA 061448
06/22/2004	00000209	1	2051	-\$65.00	10/27/1997	DA 061448
06/22/2004	00000210	1	1001	\$770.00	06/17/2004	CK
06/22/2004	00000211	1	1202	\$243.00	06/17/2004	DA 080380
06/22/2004	00000212	1	1202	\$495.00	06/17/2004	CK
06/22/2004	00000213	1	1201	\$602.00	06/17/2004	DA 080380
06/22/2004	00000214	1	1051	\$130.00	06/17/2004	DA 080380

TRANSMITTAL LETTER

Atty. Docket No.: MAA-004.02

Sector
\$

Attn.: Box Missing Parts
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

In re: U.S. Serial No.: 08/842,898
Filing Date: April 17, 1997
Inventors: Sean A. McCarthy
Entitled: *Novel CRSP-1 Compositions and Therapeutic and Diagnostic Uses Therefor*

Response to the Notice to File Missing Parts of Application, enclosed are:

- (X) Return Mailroom Postcard;
- (X) Response to Notice to File Missing Parts;
- (X) One Executed Declaration for Patent Application;
- (X) One Executed Verified Statement Claiming Small Entity Status;
- (X) Authorization to Charge Deposit Account No. 06-1448 in the amount of \$1,181.00, which includes: (1) \$385.00 for the filing fee; (2) \$731.00 for claim fees, (3) \$65.00 for the surcharge fee;
- (X) Copy of Form PTO 1533.

CLAIMS AS FILED

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE (37 CFR 1.16(a))			\$385	\$385.00
TOTAL CLAIMS (37 CFR 1.16(c))	61-20 =	41	x \$11	\$451.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	10-3 =	7	x \$40	\$280.00
MULTIPLE DEPENDENT CLAIM PRESENT	(37 CFR 1.16(d))		\$130	
* NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL	\$1,116.00
If applicant has small entity status under 37 CFR 1.9 and 1.27 then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	\$1,116.00

Certificate of First Class Mailing (37 CFR 1.8(a))

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October 22, 1997
Date of Signature
and of Mail Deposit

By:

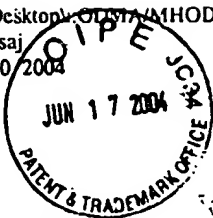
Jill R. Clarke
Jill R. Clarke

- (X) The Commissioner is hereby authorized to charge and credit Deposit Account No. 06-1448 as described below. I have enclosed a duplicate copy of this sheet.
 - (X) Charge all necessary filing fees associated with this correspondence as required under 37 CFR 1.16 and 1.17.
 - (X) Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Respectfully Submitted,

Beth E. Arnold
Beth E. Arnold
Registration No. 35,430
Attorney for Applicant

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170
Telephone: 617-832-1000
Facsimile: 617-832-7000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean A. McCarthy

Application No.: 08/842,898 (ABANDONED) Group Art Unit: 1646

Filed: April 17, 1997 Examiner: D. Romeo

For: NOVEL CRSP-1 COMPOSITIONS AND THERAPEUTIC AND DIAGNOSTIC
USES THEREFOR

CERTIFICATE OF MAILING OR TRANSMISSION	
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Date 6-14-04	Signature Sandra J. [Signature]
Typed or printed name of person signing certificate Sandra J. [Signature]	

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SMALL ENTITY STATUS CHANGE AND FEE DEFICIENCY

SUBMISSION UNDER 37 C.F.R. 1.28(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please record a status change to --LARGE ENTITY-- for the above-referenced application.

This application did not qualify for small entity status. Although small entity status was established in good faith, and small entity fees were paid in good faith, it has recently been discovered

that small entity status was established in error.

5/22/2004 CNGUYEN 00000138 080380 08842898

1 FC:1001		770.00 OP
2 FC:1202	243.00 DA	495.00 OP
3 FC:1201	602.00 DA	
4 FC:1051	130.00 DA	

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